~~No 28~~

~~K Great Brit. - George III~~

~~338 b. 7~~
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C. 28

AN ACT

For Dividing and Incloſing the Open Fields in the Pariſh of Hungerton, *in the County of* Leiceſter.

Preamble.

WHEREAS there are ſeveral Open Fields in the Pariſh of *Hungerton*, in the County of *Leiceſter*; conſiſting of Arable Land, and Meadow, and Paſture Ground; which Fields are computed to contain Nine Hundred Acres, or thereabouts:

And whereas *Shukbrugh Aſhby*, Eſquire, is Lord of the Manor, and ſeized of the Impropriate Rectory of *Hungerton* aforeſaid, and intitled to all the great and ſmall Tythes ariſing, renewing, increaſing, or happening in *Hungerton* aforeſaid; and is alſo Patron of the Vicarage and Church of *Hungerton* aforeſaid, and Proprietor of nearly Five Parts in Six of the ſaid Fields; and is

alſo intitled to a Right of Common, in, upon, and over the ſame Fields; and to the Soil of all the Waſte Ground in *Hungerton* aforeſaid; and the Reverend *George Aſhby*, Batchelor in Divinity, is Vicar and Incumbent of the Vicarage and Church of *Hungerton* aforeſaid, and as ſuch intitled to all the Glebe Land within the ſaid Fields, and to Right of Common therein, in reſpect of ſuch Land: And *Mary Edwin*, Widow, and others, are the Proprietors of the Reſidue of the Land in the ſaid Fields, and intitled to the Reſidue of the Right of Common thereupon, and upon the ſaid Waſte Grounds:

And whereas the Lands and Grounds of the ſeveral Proprietors in the ſaid Fields lie intermixed and diſperſed, and it would be advantageous to them to have the ſame divided and incloſed, and a ſpecifick Share thereof allotted to each Proprietor and Perſon intereſted, according to his or her Property and Intereſt therein, to be held in Severalty for ever, diſcharged of all Right of Common, in, upon, and over the ſame; And the ſaid *Shukbrugh Aſhby*, *George Aſhby*, *Mary Edwin*, and others of the ſaid Proprietors and Perſons intereſted in the ſaid Fields, are deſirous thereof; and that ſuch Allotment as herein after mentioned, may be made to the Lord of the ſaid Manor, for his Intereſt in the ſaid Waſte Grounds: And alſo that ſuch Proportion of the ſaid Fields as herein after alſo mentioned, may be allotted and laid out, unto and for the ſaid *Shukbrugh Aſhby*, in Lieu and Compenſation of and for all his ſaid Tythes (except as herein after excepted): But as ſuch Diviſion, Allotment, and Incloſure, cannot be effectually made and eſtabliſhed, without the Aid of Parliament;

May it therefore pleaſe Your MAJESTY,

Appointment of Commiſſioners,

That it may be Enacted, and be it Enacted, by the KING's Moſt EXCELLENT MAJESTY, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Crane* of *Melton Mowbray*, in the County of *Leiceſter*, Eſquire; *William Wyatt* of *Seany Park*, in the County of *Stafford*, and *Henry Coleman* of *Burton Overy*, in the County of *Leiceſter*, Gentlemen; and their Succeſſors, to be elected in manner herein after mentioned, ſhall be, and they are hereby appointed Commiſſioners for the Setting out, Dividing, Allotting, and Incloſing all the Lands and Grounds in the ſaid Fields, and for putting this Act in Execution: And that the ſaid *William Wyatt* or ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any Two of them, ſhall appoint, ſhall, as ſoon as conveniently may be, after the paſſing of this Act, ſurvey and meaſure all the Lands and Grounds in the ſaid Fields, and reduce ſuch Survey and Admeaſurement into Writing, and therein expreſs and aſcertain the Number of Acres, Roods and Perches belonging to each Proprietor of Land in the ſaid Fields, which Survey and Admeaſurement ſhall be laid

Directions concerning a Survey.

laid before the ſaid Commiſſioners, or any Two of them, at ſome or one of their Meetings, to be held in purſuance of this Act.

And be it further Enacted, That the ſaid Commiſſioners, or any Two of them, ſhall, and they are hereby authorized and required, as ſoon as conveniently may be, after the ſaid Survey ſhall have been laid before them, to Set out and Allot, unto, and for the ſaid *Shukbrugh Aſhby*, as Lord of the ſaid Manor, in Lieu and full Satisfaction of and for his Right in and to the Soil of the ſaid Waſte Grounds to be held in Severalty for ever, and diſcharged of all Common, and other Right, of or in any other of the Proprietors or Perſons intereſted in the ſaid Fields, in, upon, or over the ſame, ſuch Parcel and Quantity of Land (Part of the ſaid Fields) as ſhall be in the Judgment of the ſaid Commiſſioners, or any Two of them, equal in Value to his the ſaid *Shukbrugh Aſhby*'s preſent Right and Intereſt, in and to the Soil of the ſaid Waſte Grounds: And alſo to Set out and Allot, unto and for the ſaid *Shukbrugh Aſhby*, ſuch Parcel or Parcels of the Tytheable Land in the ſaid Fields, as ſhall (Quantity and Quality conſidered) contain, in the Judgment of the ſaid Commiſſioners, or any Two of them One full Seventh Part of the Tytheable Land therein, and no more, which ſaid Seventh Part, ſo to be Set out and Allotted to and for the ſaid *Shukbrugh Aſhby*, ſhall be, and is hereby veſted in him, in Lieu of, and as a full Recompence and Satisfaction for all his ſaid great and ſmall Tythes (except ſuch Tythes as ſhall Ariſe, Renew, Increaſe, Happen, or be payable out of, for, or from any Yards, Gardens, Orchards, or Antient Incloſures, in *Hungerton* aforeſaid; the Owners whereof have no Land or Right of Common in the ſaid Fields,) ſubject to the ſame ſort of Taxes, Charges, Levies, Aſſeſſments, and Payments, as the ſaid Great and Small Tythes are now ſubject to, and no other; and to Set out, and Allot unto, and for the Vicar of *Hungerton* aforeſaid, and his Succeſſors Vicars of the ſaid Vicarage, in Lieu of the Glebe Land, and Right of Common in the ſaid Fields, now belonging to the ſaid Vicarage, ſuch Parcel or Parcels of the Land in the ſaid Fields, as (Quantity and Quality conſidered) ſhall in the Judgment of the ſaid Commiſſioners, or any Two of them, be equal in Value to the ſaid Glebe Land and Right of Common, without any Diminution or Deduction, for, or on Account of the ſaid Great and Small Tythes, the ſaid Glebe Land and Right of Common being Tythe-free; and to Divide, Set out, and Allot, the Reſidue of the Land in the ſaid Fields, unto, between, and amongſt, the ſeveral Perſons, who at the Time of making ſuch Diviſion and Allotments, ſhall be intitled to Land, Ground, Right of Common, or other Property therein, in Proportion to their ſeveral and reſpective Shares, Rights, Properties, and Intereſts in the ſame (except the ſaid *Shukbrugh Aſhby*, in reſpect to his Right and Intereſt in and to the Soil of the ſaid Waſte Grounds, and in reſpect to his Great and Small Tythes, and the Vicar of the ſaid Vicarage, in reſpect to his ſaid Glebe Land and Right of Common);

Allotments.

To the Lord of the Manor, as ſuch.

To the Impropriators, as ſuch.

To the Proprietors in general.

ſubject

ſubject nevertheleſs to the Rules, Orders, and Directions herein after contained, and under a due Regard to the Quantity, Quality, and Situation of the Land and Ground to be allotted in Lieu of the Land or Ground each Proprietor is now ſeized or poſſeſſed of, or intitled to, and to the Convenience of every one of the ſaid Proprietors, as far as ſhall or may be conſiſtent with the general convenient Partition and Diviſion of all the Lands and Grounds intended to be incloſed.

Commiſſioners to ſettle Differences.

And be it further Enacted, That in Caſe any Difference or Differences ſhall ariſe between any of the Parties intereſted in the ſaid intended Incloſure, touching their reſpective Rights or Claims in, or in reſpect of the ſaid Tythes, or the Lands to be incloſed, or the Right of Common, or other Property, in, upon, or over the ſaid Fields, it ſhall and may be lawful for the ſaid Commiſſioners, or any Two of them, and they are hereby required to hear and examine Witneſſes upon Oath (which Oath the ſaid Commiſſioners, or any Two of them, are hereby impowered to adminiſter) touching the ſame; and thereupon, and upon other proper Enquiry, or legal Evidence, finally to determine ſuch Difference or Differences.

Commiſſioners to ſet out Roads, &c.

And be it further Enacted, That the ſaid Commiſſioners, or any Two of them, ſhall and may aſcertain, ſet out, and appoint, both public and private Horſe, Cart, Carriage, Driſt and Foot Ways, or Roads, in, over, and through the ſaid Fields; all which public Cart, Carriage, and Drift Ways, or Roads, ſhall be Forty Feet broad at leaſt, clear of Ditches; and ſhall be ever after the Setting out and Appointing the ſame, amended, cleanſed, and repaired, by and at the General Expence of the Inhabitants of *Hungerton* aforeſaid, in the ſame manner as the preſent publick Ways or Roads there, are or ought to be; and ſhall and may direct and appoint public and private Ditches, Drains, Bridges, Gates, and Stiles to be made in the ſaid Fields; and that all ſuch public and private Horſe Ways, or Roads, as ſhall be ſo ſet out, and appointed as aforeſaid, and alſo, all ſuch public and private Ditches, Drains, Bridges, Gates, and Stiles as ſhall be ſo directed to be made as aforeſaid, ſhall be made, and for ever after, from Time to Time, amended, cleanſed, and repaired, at the Expence of all or ſuch of the ſaid Proprietors, and in ſuch manner as the ſaid Commiſſioners, or any Two of them, ſhall in that Behalf order, direct, or appoint. And that it ſhall not be lawful for any Perſon or Perſons, afterwards, to uſe or claim the Uſe of any Roads or Ways, either Old or New, Publick or Private, over, within, or through the ſaid Fields, or any Part or Parts thereof, either on Foot, or with Horſes, Cattle, or Carriages, other than ſuch Ways or Roads as ſhall be ſo, as aforeſaid, aſcertained, ſet out, and appointed by the ſaid Commiſſioners, or any Two of them; and that all former Ways or Roads, or ſo much thereof as ſhall not be ſet out, and appointed, as the Ways or Roads through

through the ſaid Fields, ſhall be deemed Part of the Lands to be incloſed, and ſhall be divided and allotted as Part thereof. And that the Soil of the public and private Ways or Roads to be ſet out, in purſuance of this Act, and the Herbage growing and renewing thereupon, ſhall by the ſaid Commiſſioners, or any Two of them, be allotted to ſuch Perſon or Perſons as they, the ſaid Commiſſioners, or any Two of them, ſhall direct or appoint.

And be it further Enacted, That all the Lands and Grounds, ſo to be ſet out, and allotted to and for the ſaid *Shukbrugh Aſhby*, in Lieu of his Great and Small Tythes; and to, and for the ſaid Vicar, in Lieu of, or as his Glebe Land, ſhall, within the Space of Six Calendar Months next after the Signing and Sealing ſuch Award or Inſtrument, as herein after directed to be made, be, by and at the Expence of the ſeveral and reſpective Proprietors and Owners of the Lands and Grounds hereby intended to be incloſed, mounded, and fenced round by Ditches, and Quickſet Hedges, and guarded or fenced with Poſts and Rails, or otherwiſe, in ſuch manner as the ſaid Commiſſioners, or any Two of them, ſhall, by their ſaid Award or Inſtrument, direct or appoint; which reſpective Mounds and Fences, or ſuch Part or Parts thereof, as they, or any Two of them, ſhall as aforeſaid, direct or appoint to be made as aforeſaid, ſhall be for ever afterwards kept in Repair, as to the Allotment or Allotments, in Lieu of the ſaid Tythes, by the ſaid *Shukbrugh Aſhby*, and the Owner or Owners of ſuch Allotment or Allotments, for the Time being; and as to the Allotment or Allotments, in Lieu of, or as the ſaid Glebe Land, by the Vicar of the ſaid Vicarage and Church, for the Time being; and that all the Hedges, Ditches, Gates, Stiles, and Fences to be made, for the Incloſing, Separating, and Dividing the Reſidue of the Lands in the ſaid Fields, purſuant to this Act, ſhall within the like Space of Time be made, and at all Times thereafter for ever repaired and maintained by, and at the Expence of ſuch Perſon or Perſons, and in ſuch Proportions and Manner as the ſaid Commiſſioners, or any Two of them, ſhall by ſuch their Award or Inſtrument direct or appoint: And that for the better preſerving the young Hedges to be ſet and planted, for fencing out the ſeveral Allotments to be made as aforeſaid, it ſhall and may be lawful to, and for the reſpective Perſons, to whom any Share or Allotment ſhall be aſſigned or allotted, by Virtue of this Act, from Time to Time, and at all Times, during the Term of Ten Years next after the Execution of ſuch Award or Inſtrument as aforeſaid, to ſet down, and place Poſts and Rails, or make any other Fence on the Outſide the Ditches, bounding their reſpective Allotments, not exceeding Three Feet from ſuch Ditches, and at any Time before the End of the ſaid Term, to remove, take, and carry away ſuch Poſts and Rails, or other Fences, and convert the ſame to their reſpective Uſes.

Directions concerning the Fences.

Convenient Gaps to be left in the Inclosures.

And be it further Enacted, That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of Twelve Calendar Months next after the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, in and through the same, unless the several Parties interested therein, shall agree that the same shall be sooner made up.

Power to former Owners to cut down Trees and Bushes, and carry them away,

And be it further Enacted, That in Case any Land or Ground upon which any Trees, Underwoods, Hedges, Bushes or Shrubs, at the Time of such Allotment, shall be standing, growing, or being, shall be allotted or assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at and immediately before the making such Allotment, it shall and may be lawful to and for such Owners and Proprietors respectively, at any seasonable Time or Times, within the Space of Nine Calendar Months after such Allotment shall be made, to enter into, and upon the Lands and Grounds upon which such Trees, Underwoods, Hedges, Bushes, or Shrubs shall be standing, growing, or being, and to fell and cut down, and with Horses, Carts, and Carriages, to take and carry away the same at his or their Wills and Pleasures, and to and for his and their respective Use and Benefit.

Except left for a boundary Fence.

Provided always, That if any such Hedges now standing upon the Premises shall be assigned, limited, or appointed by the said Commissioners, or any Two of them, as, and for a Boundary or Fence for any of the Inclosures intended to be made as aforesaid; all such Hedges shall be left Four Feet and an half high for the Benefit of the Person or Persons to whom such Inclosures shall belong, by Virtue of this Act, he or they making such Allowance and Consideration for the same to the former Owners and Proprietors of such Hedges respectively, immediately before such Allotment, and at such Time or Times as the said Commissioners, or any Two of them, shall in that Behalf order and appoint.

Directions concerning their Award.

And be it further Enacted, That within the Space of Six Calendar Months after the Division and Allotment of the said Fields shall be completed and finished, the said Commissioners, or any Two of them shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity and Contents, in Statute Measure, of the Acres, Roods and Perches contained in the said Fields; and the Quantity and Contents of each, and every Part and Parcel thereof, assigned and allotted to each of the Parties intitled to Lands, Tythes, Common Right, or other Property within the same; and a Description of the Situation Buttals, and Boundaries of such Parcels and Allotments respectively; and proper

Orders

Orders and Directions for, and concerning the laying out and making of the ſaid publick and private Ways or Roads, and the laying out, making, maintaining, cleanſing, and keeping in Repair, the publick and private Horſe and Foot Ways or Roads, Ditches, Drains, Bridges, Gates and Stiles in, upon, and over the ſaid intended Incloſures; and alſo all ſuch other Orders, Regulations and Directions as ſhall, in the Judgment of the ſaid Commiſſioners, or any Two of them, be neceſſary or proper, conformable to the true Tenor of this Act, for the more eaſy, convenient, and effectual Execution thereof, and the preventing all Differences and Diſputes in relation to the Matters herein contained; which ſaid Award or Inſtrument ſhall be fairly ingroſſed upon Parchment, and ſigned and ſealed by the ſaid Commiſſioners, or any Two of them, and ſhall within Six Calendar Months next after the ſame ſhall be ſo ſigned and ſealed as aforeſaid, be inrolled in one of his Majeſty's Courts of Record at *Weſtminſter*, or by the Clerk of the Peace for the County of *Leiceſter*; and a Copy of ſuch Inrolment, atteſted by the proper Officer, where or with whom the ſaid Award or Inſtrument ſhall be inrolled, ſhall be admitted in all Courts whatſoever as legal Evidence of the ſame.

New Allotments veſted in the Proprietors.

And be it further Enacted, That the ſeveral Lands and Grounds to be divided, aſſigned, ſet out, allotted, and appointed unto, and for the ſeveral Perſons, who, by Virtue of this Act, ſhall, at the Time of the Execution of ſuch Award or Inſtrument as aforeſaid, be intitled to the ſame, ſhall be, and are hereby veſted in them reſpectively, in full Bar of, and Satisfaction and Compenſation for, the reſpective Properties and Intereſts in the ſaid Fields, which he, ſhe, or they had before the Paſſing of this Act, or immediately before the ſaid Allotments made: And that from, and immediately after the making of the ſaid Diviſions and Allotments, and the Execution of the ſaid Award or Inſtrument, of ſuch Tenor or Import as aforementioned, or ſo ſoon thereafter as the ſaid Commiſſioners, or any Two of them, ſhall, by Virtue of the ſaid Award or Inſtrument, appoint all Tythes and Right of Common in the ſaid Fields, ſhall ceaſe, determine, and be for ever extinguiſhed: And that all and every Leaſe and Leaſes, at Rack or Extended Rent, now ſubſiſting of the ſaid Tythes, or any Part thereof, or of all, or any Part or Parts of the ſaid Fields, and all other Agreements, at Rack or Extended Rent, for any Time or Term therein, ſhall immediately, upon ſuch Allotments and Diviſions being made, and ſuch Award or Inſtrument being executed as aforeſaid, or as ſoon thereafter as the ſaid Commiſſioners, or any Two of them, ſhall, by the ſaid Award or Inſtrument, appoint, ceaſe, determine, and be void, the reſpective Owners or Proprietors of ſuch Part or Parts of the ſaid Fields, who have made any ſuch Leaſe or Leaſes, or Agreement or Agreements, making ſuch Satisfaction to ſuch, his, her, or their reſpective Leſſee or Leſſees, Tenant or Tenants, as the ſaid Commiſſioners,

Extinguiſhment of Right of Tythes and Common.

Leaſes at Rack Rent to be void, and Satisfaction made.

ſioners, or any Two of them ſhall aſcertain as reaſonable to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants, on Account thereof, or as an Equivalent for the ſame.

Acceptance of Allotments.

And be it further Enacted, That all and every Perſon and Perſons intereſted in the ſaid intended Incloſure ſhall, and they are hereby required to accept his, her, and their reſpective Allotments: And that the Guardians, Huſbands, Committees, or Truſtees, of and for any Perſon or Perſons being Minors, under Coverture, Lunatics, beyond the Seas, or otherwiſe incapable by Law to accept ſuch Allotments as aforeſaid, ſhall be, and they are hereby enabled and required to accept thereof for the Uſe of ſuch Perſon or Perſons incapable as aforeſaid.

A Proviſion for Fencing Allotments.

And be it further Enacted, That in Caſe any Perſon or Perſons to whom, or to whoſe Uſe or Benefit any Land or Ground ſhall by Virtue of this Act be allotted, (except the ſaid *Shukbrugh Aſhby*, in reſpect to the Allotment or Allotments that ſhall be made to him, in Lieu of his ſaid great and ſmall Tythes, and the ſaid *George Aſhby*, in reſpect to the Allotment or Allotments that ſhall be made to him as Vicar as aforeſaid) ſhall not, within ſuch Time as herein before limited, Incloſe, Hedge and Ditch the Land and Ground ſo to be ſet out and allotted to or for him or them reſpectively as aforeſaid, in ſuch Manner as the ſaid Commiſſioners, or any Two of them, ſhall in their ſaid Award direct; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them, to enter into, and upon, and to let and ſet to any Perſon or Perſons whomſoever, the Land and Ground as aforeſaid, to be allotted to ſuch Perſon or Perſons who ſhall ſo refuſe or neglect; and alſo to make and raiſe ſuch Fences to the ſame Allotments reſpectively, as by the ſaid Award ſhall be directed to be made, and to hold and enjoy the ſame Premiſes until they, the ſaid Commiſſioners, ſhall, out of the Rents and Profits thereof, have raiſed and paid to themſelves ſo much Money as ſhall be neceſſarily expended in and about incloſing ſuch Allotment or Allotments reſpectively, and a reaſonable Allowance for their Trouble, and all Charges attending the ſame.

Directions touching the Expences of the Act, &c.

And be it further Enacted, That the Charges and Expences of paſſing this Act, and all the Coſts and Charges attending the ſame; and the Coſts and Charges of ſurveying, admeaſuring, dividing and allotting the Lands and Grounds ſo intended to be incloſed as aforeſaid, and of incloſing the reſpective Allotments to be made to the ſaid *Shukbrugh Aſhby*, in Lieu of his ſaid great and ſmall Tythes, and to the ſaid Vicar reſpectively, and of the preparing and inrolling the ſaid Award or Inſtrument, and all other the Charges and Expences of the ſaid Commiſſioners, and other neceſſary Expences, about and concerning the ſaid Premiſes, ſhall be borne and defrayed by all the Proprietors and Owners of Land, and Perſons intereſted in the ſaid Fields (other than and

and except the ſaid *Shukbrugh Aſhby*, in reſpect to his ſaid Tythes, and the ſaid Vicar, in reſpect to his Glebe Land) by an equal Pound Rate, according to the Value of the Land and Ground each Perſon ſhall have allotted to him, her, or them by Virtue of this Act, to be ſettled, adjuſted, and determined by the ſaid Commiſſioners, or any Two of them. And that in Caſe any of the ſaid Proprietors or Owners, as aforeſaid, ſhall refuſe or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of ſuch Charges or Expences within the Time to be limited by the ſaid Commiſſioners, or any Two of them, to ſuch Perſon or Perſons as they or any Two of them ſhall appoint to receive the ſame; then the ſaid Commiſſioners, or any Two of them, ſhall and may, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, Cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs or Diſtreſſes, and Sale or Sales, or otherwiſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them to enter into, and upon the Premiſes ſo to be allotted to ſuch Perſon or Perſons refuſing or neglecting to pay as aforeſaid; and to take the Rents and Profits thereof, until thereby or therewith, or otherwiſe, the Share or Shares, Proportion or Proportions, of the ſaid Coſts and Charges to be directed, awarded, and appointed by the ſaid Commiſſioners, or any Two of them to be paid to ſuch Perſon or Perſons as aforeſaid, and alſo all Coſts, Charges and Expences, occaſioned by, or attending ſuch Entry upon, and Perception of the Rents and Profits of the ſaid Premiſes, ſhall reſpectively be fully paid and ſatisfied.

And be it further Enacted, That the Tillage Parts of the ſaid Fields that ſhall happen to be fallow the Year wherein ſuch Diviſions and Allotments ſhall be made as aforeſaid, ſhall be ploughed in an Husbandlike Manner Two ſeveral Times in that Year, between the Second Day of *February*, and the Second Day of *Auguſt*: And that every Proprietor who ſhall neglect or refuſe ſo to plough his or her Part of the ſaid Fields in Manner as aforeſaid, ſhall forfeit and pay to the new Proprietors reſpectively, by Virtue of this Act, of ſuch Parts reſpectively ſo not ploughed as aforeſaid Five Shillings an Acre for every Tilt or Ploughing omitted, and ſo in Proportion for every leſs Quantity than an Acre, to be recovered by Application to the General Quarter Seſſion of the Peace for the County of *Leiceſter*, in a Summary Way; which Matter ſuch Court of Seſſion are hereby authorized and required to hear and finally determine; and to cauſe the Money that ſhall appear to be due to any Perſon or Perſons, complaining on the Account aforeſaid, to be levied by Diſtreſs and Sale of the Offender or Offenders Goods and Chattels, by Warrant or Order of the ſame

Directions for Ploughing, &c.

Court, with reaſonable Coſts. And alſo that if any of the ſaid Proprietors ſhall not have ſo much of ſuch Tillage Land allotted to him, her, or them, by Virtue of this Act, as he, ſhe, or they ſhall ſo plough therein as aforeſaid, or ſhall fold with Sheep, he, ſhe, or they ſhall have and receive reſpectively from the Proprietors of the new Allotments reſpectively, ſuch Allowance and Satisfaction for ſuch, his, her, or their Ploughing and Folding as aforeſaid, as the ſaid Commiſſioners, or any Two of them ſhall think reaſonable and direct. And that ſuch Allowance and Satisfaction ſhall be recovered as aforeſaid, with Coſts as aforeſaid.

And be it further Enacted, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Two of them, ſhall Order, Direct, and Appoint the Courſe of Huſbandry that ſhall be uſed in the Tillage Parts of the ſaid Fields (except as to ſuch Ploughing as aforeſaid, in ſuch Part thereof which ſhall be fallow the Year in which ſuch Diviſions and Allotments ſhall be made as aforeſaid) until ſuch Time as they ſhall have completed their ſaid Award: And that all and every Perſon's Eſtate in the ſaid Fields, ſhall, during that Space of Time, be liable and ſubject to ſuch Directions, as the ſaid Commiſſioners, or any Two of them, ſhall appoint, as well with Regard to the Stocking, as to the Ploughing, Folding, Tilling, Sowing, or Laying down the ſame.

Power to exchange, with Conſent of the Commiſſioners.

And be it further Enacted, That it ſhall and may be lawful for any of the Proprietors of Lands, Tenements, or Hereditaments in the ſaid Fields, to Exchange all or any of ſuch Lands, Tenements, Hereditaments, for any other Lands, Tenements, or Hereditaments, in the ſaid Pariſh of *Hungerton*, either incloſed, or intended to be incloſed, by Virtue of this Act, ſo as all and every ſuch Exchange or Exchanges as aforeſaid, be made by and with the Conſent and Approbation of the ſaid Commiſſioners, or any Two of them, and be ſo expreſſed and declared in the ſaid Award or Inſtrument, to be made as aforeſaid. And that all and every ſuch Exchange and Exchanges as aforeſaid, that ſhall be made with ſuch Conſent and Approbation as aforeſaid, teſtified as aforeſaid, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever.

Not to revoke or annul any Settlement, &c.

And be it further Enacted, That nothing in this Act ſhall be deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon having or claiming any Jointure, Dower, Portion, Debt, Rent, Incumbrance, or other Demand out of, upon, or affecting the ſaid Tythes, or any of the Lands or Grounds intended to be incloſed as aforeſaid, or any of the Lands, Tenements, or Hereditaments, which ſhall be exchanged in purſuance of this Act; but that the ſeveral Lands, Tenements, and Hereditaments,

ments, ſo to be allotted and exchanged as aforeſaid, ſhall, immediately after ſuch Allotment and Exchange reſpectively as aforeſaid, be, remain, and enure to the ſeveral Perſons to whom the ſame ſhall be ſo allotted or given in Exchange as aforeſaid; and ſuch Perſons ſhall from thenceforth for ever ſtand and be ſeized thereof reſpectively, to ſuch, and the ſame Uſes, and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, and no other, as he, ſhe, or they reſpectively would have ſtood ſeized of his, her, or their Tythes, Lands, Tenements, or Hereditaments, liable to be allotted and exchanged as aforeſaid, in Caſe the ſame had remained unincloſed and unexchanged, or this Act had not been made.

A Power for the Vicar to Leaſe for Twenty One Years, with Conſent of the Biſhop.

And be it further Enacted, That it ſhall and may be lawful to and for the Vicar of *Hungerton* aforeſaid, for the Time being, by and with the Conſent and Approbation of the Biſhop of the Dioceſe of *Lincoln*, for the Time being, to grant any Leaſe or Leaſes, to any Perſon or Perſons, of the Land or Ground to be allotted to the ſaid Vicar, by Virtue of this Act, or of any Part or Parts thereof, for any Term or Number of Years, not exceeding Twenty One Years ſo as the ſame ſhall commence within Six Calendar Months next, after the making of the ſaid Award or Inſtrument; and ſo as the Rent or Rents thereby to be reſerved, be made payable to the Vicar of the ſaid Vicarage for the Time being, Half-Yearly, and ſo as the uſual Powers of Re-entry for Non-Payment of ſuch Rent or Rents, and ſuch other neceſſary Clauſes, be contained therein, as is uſual in Caſes of the like Nature; any Law, Uſage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

Power for Tenants for Life to borrow Money.

And be it further Enacted, That it ſhall and may be lawful to and for the Guardians, Huſbands, Truſtees, or Committees, or for any Perſons acting as Guardians, Truſtees, or Committees, of or for any Infants, Lunaticks, Ideots, Femes Covert, or Perſons beyond the Seas, and to and for every the ſaid Owners of Land, Ground, Right of Common, or other Property in the ſaid Fields, being Tenants in Tail, or for Life, to or for whom any Allotment ſhall be made in purſuance of this Act (other than the ſaid *Shukbrugh Aſhby*, in reſpect to the Land that ſhall be allotted in Lieu of his ſaid Tythes; and the ſaid Vicar, in reſpect to his ſaid Glebe Land) to charge the Lands and Grounds which ſhall be ſo allotted to them reſpectively, with any Sum or Sums of Money, not exceeding Three Pounds for every Acre of ſuch Lands and Grounds, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Two of them, ſhall for that Purpoſe nominate or appoint, in order to be applied and diſpoſed of for the Purpoſe of paying and defraying their reſpective Shares and Proportions of the Coſts, Charges, and Expences aforeſaid, and for ſecuring the Repayment of ſuch Sum or Sums of Money, with Intereſt, to Grant, Mortgage,

Mortgage, Leaſe, or Demiſe, the Lands and Grounds ſo to be charged as aforeſaid, unto ſuch Perſon or Perſons as ſhall advance ſuch Money reſpectively, for any Term or Number of Years, ſo as ſuch Grant or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when ſuch Sum or Sums of Money, with the Intereſt thereof, ſhall be paid.

Mortgages to be valid.

And be it further Enacted, That every ſuch Grant, Mortgage, Leaſe, or Demiſe, of ſuch Lands and Grounds, or any Part or Parts thereof, to be made in Purſuance of this Act, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended, notwithſtanding the want of Title in ſuch Huſbands, Guardians, Truſtees, or Committees, or in the Perſons acting as ſuch, or in ſuch Tenants in Tail, or for Life, any Settlement, Will, Truſt, Uſe, Remainder, Limitation, or other Incumbrance, of or concerning the ſame Lands and Grounds, or any Part or Parts thereof, then in being, or capable of taking Effect to the contrary notwithſtanding: And that the Receipt or Receipts of the Perſon or Perſons to whom ſuch Money, to be borrowed upon Mortgage as aforeſaid, ſhall be as aforeſaid directed to be paid, ſhall be a ſufficient Diſcharge to the Perſon or Perſons lending the ſame; and that the Intereſt of the Money ſo to be borrowed, ſhall be paid and kept down by the Perſon or Perſons in Poſſeſſion for the Time being, of the Lands and Grounds to be charged with ſuch Money as aforeſaid.

Notice of Commiſſioners Meeting.

And be it further Enacted, That the ſaid Commiſſioners, or any Two of them, ſhall, and they are hereby required, to give Public Notice in the Church of *Hungerton* aforeſaid, upon ſome *Sunday*, immediately after Divine Service; and alſo to affix a like Notice in Writing, upon every Door of the ſaid Church, of the Time and Place of their firſt, and every other Meeting, for executing the Powers hereby veſted in them, at leaſt Ten Days before every ſuch Meeting (Meetings by Adjournment only excepted); and when and as often, before the Execution of the ſaid Award or Inſtrument, any one or more of the ſaid Commiſſioners, appointed by this Act, or to be elected in the Manner herein after mentioned, ſhall die, or refuſe to act, the Perſons who reſpectively for the Time being, ſhall be intereſted in the ſaid Fields, or the major Part of them, in Number and Value, ſhall from Time to Time, within one Calendar Month next after the Death or Refuſal to act, of ſuch Commiſſioner or Commiſſioners, by Writing under their Hands and Seals, appoint one or more Commiſſioner or Commiſſioners, not intereſted in the ſaid intended Incloſure, in the Place or Stead of ſuch Commiſſioner or Commiſſioners, dying or refuſing to act as aforeſaid: And every Commiſſioner, ſo to be appointed, ſhall have the like Power and Authority, by Virtue of this Act, as the Commiſſioner or Commiſſioners, in whoſe Place or Places he

Power to chooſe Commiſſioners in in the Place of thoſe dying or refuſing to act.

he or they ſhall ſucceed, was or were veſted with; provided that Notice be given in the Church of *Hungerton* aforeſaid, upon ſome *Sunday* immediately after Divine Service, and a like Notice in Writing, be affixed on every Door of the ſaid Church, of the Time and Place of Meeting, to chuſe ſuch Commiſſioner or Commiſſioners, at leaſt Fourteen Days before every ſuch Meeting.

And be it further Enacted, That this Act ſhall not prejudice, leſſen, or defeat the Right of the ſaid *Shukbrugh Aſhby*, as Lord of the ſaid Manor, or of any future Lord or Lords thereof, in, or to the Seigniories, Royalties, Rights, and Services incident, or belonging to the ſaid Manor; but that the ſaid *Shukbrugh Aſhby*, as Lord of the ſaid Manor, and the Lord or Lords thereof for the Time being, and all Perſons claiming, and to claim, under, or in Truſt for him or them, as Lord or Lords of the ſaid Manor, ſhall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquiſites, and Profits of Courts, Privileges and Juriſdictions to the ſaid Manor, or to the Lord or Lords thereof, belonging (other than and except the Right to the Soil and Inheritance of ſuch Parcels of Land as ſhall be alloted, by Virtue of this Act, to any other Perſon or Perſons; and alſo, ſuch Right of Common as can or may be claimed by the Lord or Lords of the ſaid Manor, as ſuch, upon the Lands hereby intended to be incloſed) in as full, ample, and beneficial manner, to all Intents and Purpoſes, as he, or they might have held and enjoyed the ſame, in Caſe this Act had not been made. Not to prejudice the Right of the Lord of the Manor.

Saving always To the KING's Moſt EXCELLENT *MAJESTY*, his Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than, and except the ſaid *Shukbrugh Aſhby*, the Vicar of the Vicarage, for the Time being, and the ſaid *Mary Edwin*, and ſuch other Perſons to whom any Allotment or Allotments ſhall be made, in purſuance of this Act, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, reſpectively) all ſuch Eſtate, Right, Title, and Intereſt, as they, every, or any of them, had, and enjoyed, of, in, to, or out of the ſaid Fields, and the Lands and Grounds therein, before the paſſing of this Act, or could, or ought to have had, or enjoyed, in Caſe the ſame had not been made. But no ſuch other Perſon or Perſons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Adminiſtrators, or Succeſſors, ſhall have Power to diſturb any of the Allotments to be made, in purſuance of this Act; but ſhall accept the ſeveral Allotments which ſhall be made, in Lieu of the Tythes, Lands, Common Right, and other Intereſt in the ſaid Fields, which he, ſhe, or they, would have been intitled to, in Caſe this Act had not been made; and ſhall be intitled to recover ſuch Allotments, as fully as he, ſhe, or they, would have been intitled to have recovered the Tythes, Land, Ground, and Right of Common, in Lieu of which ſuch Allotments ſhall be made, as aforeſaid. General ſaving.

AN ACT

For Dividing and Inclosing the Open Fields in the Parish of Hungerton, in the County of Leicester.

[1762.]